

1 Remarks

2 Status of the Pending Claims

3 The status of the claims is as provided above. No claims are being amended,
4 added or cancelled herewith.

5
6 Rejection of Claims under 35 U.S.C. § 102

7 Claims 1, 3-4, 6-7, 8-12, 14, 16-17 and 19-20 have been rejected under 35
8 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,154,208 ("Otala").

9 The Applicant respectfully disagrees that pending claims 1, 3-4, 6-7, 8-12, 14,
10 16-17 and 19-20 are anticipated by Otala.

11 As a starting point, the PTO and the Federal Circuit provide that §102
12 anticipation requires **each and every element of the claimed invention to be**
13 **disclosed in a single prior art reference.** (*In re Spada*, 911 F.2d 705, 15 USPQ2d
14 1655 (Fed. Cir. 1990).) The corollary of this rule is that the absence from a cited
15 §102 reference of any claimed element negates the anticipation. (*Kloster*
16 *Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.
17 1986).) Furthermore, "[a]nticipation requires that all of the elements and limitations
18 of the claims are found within a single prior art reference." (*Scripps Clinic and*
19 *Research Found. v Genetech. Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010
20 (Fed. Cir. 1991 (emphasis added).) Moreover, the PTO and the Federal Circuit
21 provide that §102 anticipation requires that **there must be no difference between**
22 **the claimed invention and the reference disclosure.** (*Scripps Clinic and Research*
23 *Found. v. Genetech, Inc.*, id. (emphasis added).)

24 Accordingly, if the Applicant can demonstrate that any one element or
25 limitation in claims 1, 3-4, 6-7, 8-12, 14, 16-17 and 19-20 is not disclosed by Otala,
then the respective claim(s) must be allowed.

1 In the following arguments, the Applicant will focus in particular on
2 independent claims 1, 9 and 14, as respectively amended, as the Applicant believes
3 those claims to be allowable over Otala. It is axiomatic that any dependent claim
4 which depends from an allowable base claim is also allowable, and therefore the
5 Applicant does not believe it is necessary to present arguments in favor of each and
6 every dependent claim.

7
8 Claim 1

9 The Applicant contends that claim 1 (and rejected claims 3-4 and 6-8 which
10 depend therefrom) are not anticipated by Otala. With respect to independent claim
11 1, that claim includes the following limitations:

12
13 A method for configuring a computer to obtain status information
14 for subsequent print jobs to a printer, the method comprising:
15 supplying a proxy printer driver in place of an actual printer
16 driver associated with the printer; and
17 setting a flag so as to indicate that the computer is able to
18 provide status for print jobs on the printer.

19 (Emphasis added.)
20

21 Otala does not provide for setting a flag so as to indicate that the computer is
22 able to provide status for print jobs on the printer, as recited in combination with the
23 other features of claim 1. In fact, Otala is completely silent in regard to any
24 mechanism or operation related to the *status of a print job*, in any context.

25 Rather, Otala is directed to creating (i.e., deriving) a proxy image having a
second format from an output image having a *first* format (Abstract of Otala). That
is, Otala teaches translating image data of a first format (e.g., FlashPix format, etc.)

1 into proxy image data of a second format (e.g., device independent bitmap (DIB),
2 etc.). With respect to setting any sort of flag, Otala teaches the provision of one or
3 more bit flags indicating whether or not a particular entry point or points is/are
4 available within a (the) device driver (Col. 5, lines 48-51 of Otala). This is not the
5 same as a indicating that the status of a (i.e., pending, or in progress) print job is
6 available. More to the point, this is not the same as the present invention as recited
7 by claim 1.

8 In fact, Otala is not concerned with the status of a print job, or any provisions
9 for detecting and/or reporting such a print job status, in any way. Furthermore, Otala
10 is totally devoid of the terms and/or phrases "status", "job status", "print status" or
11 "print job status", or any of their respective equivalents, in any context. Thus, Otala
12 fails to provide for all of the elements as recited by instant claim 1. In view of the
13 foregoing, the § 102 rejection of claim 1 is unsupportable and should be withdrawn.

14 For at least the foregoing reasons, the Applicant asserts that claim 1 is
15 allowable. As rejected claims 3-4 and 6-8 depend from claim 1, it is axiomatic that
16 they too are allowable at least by virtue of their dependence upon an allowable base
17 claim.

18 19 Claim 9

20 The Applicant contends that claim 9, and rejected claims 10-12 which depend
21 therefrom, are not anticipated by Otala. With respect to independent claim 9, that
22 claim includes the following limitations:

23
24 A method of gathering status for a print job from a computer to a
25 printer, the method comprising:
executing a proxy printer driver while producing the print job,
wherein the proxy printer driver is a proxy for an actual printer driver;

1 inserting into the print job a unique identifier of the print job; and
2 querying at least one of a spooler and the printer regarding
3 status of the print job.

4 (Emphasis added.)

5
6 Otala does not provide for inserting into the print job a unique identifier of the
7 print job, as recited in combination with the other features of claim 9. Furthermore,
8 Otala does not provide for querying at least one of a spooler and the printer
9 regarding status of the print job, as recited in combination with the other features of
10 claim 9.

11 To the contrary, and consistent with the arguments made above in regard to
12 claim 1, Otala is devoid of the terms and phrases “status”, “status of a print job”,
13 “unique identifier”, or their respective equivalents, as used in any context or for any
14 reason. The fact is, Otala is directed to solving a different problem (i.e., providing
15 conversion between data formats via a proxy mechanism) than that of the present
16 invention (i.e., providing status of print job within a system). The Examiner has failed
17 to indicate Otala provides for the *unique identification* of anything, and Otala certainly
18 does not provide for the *insertion of a unique identifier within a print job*, as recited, in
19 slightly varying language, in combination with the other features and limitation of
20 claim 9.

21 Thus, Otala fails to provide, teach or suggest at least two of the elements and
22 features as recited by instant claim 9. Therefore, the § 102(e) rejection of claim 9 is
23 unsupportable and should be withdrawn. For at least these reasons, claim 9 is
24 allowable. As rejected claims 10-12 depend from claim 9, they too are allowable.

25
Claim 14

 The Applicant contends that claim 14, and rejected claims 16-20 which

1 depend therefrom, are not anticipated by Otala. With respect to independent claim
2 14, that claim includes the following limitations:

3
4 A computer readable medium on which is embedded a
5 computer program, the program comprising:

6 a proxy printer driver translation part, the proxy printer driver
7 translation part being a proxy for an actual printer driver translation
8 part; and

9 a status configuration utility, wherein the status configuration
10 utility is configured to set a flag indicating that a computer is able to
11 provide status for print jobs.

12 (Emphasis added.)
13

14 Otala fails to provide a status configuration utility, wherein the status
15 configuration utility is configured to set a flag indicating that a computer is able to
16 provide status for print jobs, as recited in combination with the other features of
17 claim 14. Rather, and as described above, Otala provides no description regarding a
18 status for print jobs.

19 Otala fails to provide at least one element as recited by instant claim 14, as
20 amended. The § 102(e) rejection of claim 14 is invalid in view of the inadequacies of
21 Otala and should be withdrawn. For at least these reasons, claim 14 is allowable.
22 As rejected claims 16-20 depend from claim 14, they too are allowable.
23

24 Rejection of Claims under 35 U.S.C. § 103

25 Claims 2 and 13 have been rejected under 35 U.S.C. § 103(a) as being
unpatentable over Otala, in view of U.S. Patent No. 6,032,201 ("Tillery").

1 Rejected claim 2 depends from independent claim 1, while rejected claim 13
2 depends from independent claim 9. The Applicant asserts that claims 1 and 9 are
3 allowable as argued above. Because it is axiomatic that any claim that depends
4 from an allowable base claim is itself allowable, the Applicant asserts that claims 2
5 and 13 are also allowable at least by virtue of their dependence from allowable
6 claims 1 and 9, respectively. As a result, the Applicant does not believe it necessary
7 to provide specific arguments in favor of the allowance of claims 2 and 13.

8 9 Examiner's Withdrawal of Allowable Claims

10 The Examiner indicated previously that claims 5 and 6 would be allowable if
11 respectively rewritten in independent form including all of the limitations of their base
12 claim and any intervening claims (page 3 of Office Action dated 10/20/2004). Please
13 refer to Amendment "B", as filed January 7, 2005 via deposit as first class mail with
14 the United States Postal Service. Claim 1 was amended as of Amendment "B" to
15 include all of the features and limitations of claim 5 (cancelled as of Amendment "B").
16 Thus, instant claim 1 recites all of the features and limitations of claim 5 (cancelled)
17 rewritten in independent form and including all of the limitations of its base claim and
18 any intervening claim(s).

19 In the present Office Action, the Examiner has withdrawn the indication of
20 objection/allowability regarding claim 5 (cancelled) in view of the "newly discovered"
21 reference to Otala (page 2 of Office Action), which in fact was previously cited in the
22 Office Action dated 5/21/2004. The Examiner has applied this same withdrawal to
23 claim 15 (cancelled as of Amendment "B"), an indication that the Applicant believes
24 to be made in error. In any case, the Applicant asserts that claim 1 is allowable.
25 Axiomatically, claims 2-4 and 6-8 are also allowable at least by virtue of their
dependence (directly or indirectly) from allowable claim 1.

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The Examiner is respectfully requested to contact the below-signed representative if the Examiner believes this will facilitate prosecution toward allowance of the claims.

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By

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